

REMARKS

The Applicant thanks the Examiner for withdrawing the election/restriction requirement from the previous official office action of October 14, 2004 and for indicating that claims 6-11 are allowed and that claims 3-5 are objected to as being dependent upon a base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claims and any intervening claims.

Claims 1, 2 and 12 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Kennedy `135. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

As the Examiner is aware, in order to properly support an anticipation rejection under 35 U.S.C. § 102, the cited reference must disclose each and every feature of the presently claimed invention. Kennedy `135 arguably discloses a coupling for hose or pipe sections including a receiving element (female) and an insertion (male) element as generally noted by the Examiner. Observing Fig. 11 of Kennedy `135, there is also shown a ring 29 having a pair of radially inward bearing lugs 30 as best seen in Fig. 10. When properly aligned and engaged with lugs 18, the lugs 30 on the ring 29 act as an axial stop restraining the lugs 18, and thus the male member 17 from removal from the female member. Importantly, in Kennedy `135 the express purpose of the coupling is to “...while producing an effective tight connection between the parts united, will also permit of relative rotary movement thereof.” See Kennedy `135, page 1, lines 15-18.

In other words, Kennedy `135 desires the male and female parts to be coupled, but also even during operation the parts are to be relatively rotatable, “. . .the female member 26 being provided with an internal annular packing 31 to engage with the adjacent end of the male member 17, when the parts are engaged, so as to insure a tight connection even though relative rotative movement of the parts is permitted .” Kennedy `135, page 2, lines 15-21. Thus the relative alignment and engagement of the lugs 30 of ring 29 with the lugs 18 on the male member 17 must remain substantially loose so that there can be some relative rotation.

In other words, the ring 29 and lugs 30 play no role in biasing the male and female members towards one another.

This is fundamentally different from the presently claimed invention wherein the express purpose and function of the retaining ring is to axially bias the male and female elements together. There is no disclosure, teaching or even a suggestion in the cited reference that the relative alignment and engagement of ring 29 with lugs 30 and lugs 18 is structurally or functionally similar to the Applicants coupling. The Applicant has slightly amended claim 1 to more clearly define the feature "wherein the receiving element and the insertion element are rotated relative to one another and the radially extending projection is axially biased by the retaining ring to cause an end of the insertion element to bear on an inner surface in the axial bore of the receiving element." The radial biasing of the projections by the Applicant's retaining ring is not disclosed, taught or suggested in any manner by the applied reference.

Kennedy does have a spring 21 separate from the ring 29 which provides some bias to the reference coupling, however, the bias is radial in nature relative to the lugs 18 and 30 and is only axial in the manner as provided to the thrust sleeve 19 forcing the projections 20 forward as discussed at page 2, lines 47-50, "[I]n the latter position the projections 20 will serve the purpose of holding the lugs 18 and 30 in registration with each other, thus effecting locking of the parts of the coupling together, the free rotary movement permitted sleeve 29 allowing for the desired relative rotary movement between the parts of the coupling. . .".

Kennedy does not even actually use the helical compression spring 21 bearing on the thrust sleeve 19 to force the male and female portions of the coupling together. The retaining ring 29 does not provide any axial bias as specifically claimed in the present invention. As this particular feature of claim 1 is not disclosed, shown or taught in any manner, the Applicant respectfully requests withdrawal of the anticipation rejection.

Claim 12 has been similarly amended to include the step of "rotating the receiving element and the insertion element relative to one another to contact the radially extending projection against the retaining ring and axially bias an end of the insertion element to bear on

an inner surface in the axial bore of the receiving element". Again, since the cited reference does not "axially bias" the two coupling elements together as recited in this step of claim 12, this step of the presently claimed method is not disclosed, taught or even suggested. In fact, the relative rotation necessary in the Kennedy '135 reference teaches away from any axial biasing of the male 17 and female elements in Kennedy '135.

As claims 2-5 depend from claim 1, which is believed to be allowable in view of the above amendments and remarks, the Applicant believes that these claims are now allowable as well. Claim 3 has been slightly amended to be directly dependent upon claim 1 as the subject matter of claim 2 does not contain any subject matter necessary or pertinent to the dependency of claim 3 on claim 1.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised anticipation rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the Kennedy '139 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

10/733,786

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Scott A. Daniels, Reg. No. 42,462
Customer No. 020210
Davis & Bujold, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester NH 03101-1151
Telephone 603-624-9220
Facsimile 603-624-9229
E-mail: patent@davisandbujold.com